

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

SYMANTHA REED, CHARLES GOETZ,)	
JAMES SPAULDING, and)	
WENDY WHARTON,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 1:21-cv-01155-STA-jay
)	
TYSON FOODS, INC.,)	
)	
Defendant.)	

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Defendant Tyson Foods, Inc. (“Tyson” or “Defendant”), pursuant to Rule 56 of the Federal Rules of Civil Procedure and L.R. 56.1, hereby files this Motion for Summary Judgment and requests that the Court enter an Order dismissing Plaintiffs’ remaining claim and Complaint with prejudice. In support of this Motion, Defendant states the following:

1. There is no genuine dispute of material fact, and Defendant is entitled to judgment in its favor as a matter of law on Plaintiffs’ claim under Tenn. Code Ann. §14-1-101 *et seq* (“Tennessee COVID Law”).

2. Plaintiffs’ claim under the Tennessee COVID Law fails, because they cannot establish a *prima facie* case because Plaintiffs have failed to establish that Defendant compelled them to provide “proof of vaccination” or that Defendant took adverse action against them to compel them to provide “proof of vaccination,” following the enactment of the Tennessee COVID Law.

3. In support of its Motion for Summary Judgment, Defendant relies on its Memorandum in Support, Concise Statement of Material Facts Not in Dispute and the attached evidentiary materials filed contemporaneously as well.

Respectfully submitted,

By: /s J. Gregory Grisham
J. Gregory Grisham (TN BPR#013810)
Fisher & Phillips LLP
1715 Aaron Brenner Drive Suite 312
Memphis, Tennessee 38120
(901) 526-0431 – telephone
(901) 526-8183 – facsimile
ggrisham@fisherphillips.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd day of October 2023, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system and served on the followings persons:

Robert E. Barnes
Barnes Law
700 South Flower Street, Suite 1000
Los Angeles, CA 90017
robertbarnes@barneslawllp.com
Attorney for Plaintiffs

Robert W. Wilson
Office of the Tennessee Attorney General and Reporter
40 South Main Street, Suite 1014
Memphis, TN 38103-1877
Robert.wilson@ag.tn.gov

Shanell Lanette Tyler
Tennessee Attorney General's Office
315 Deadrick Street
Nashville, TN 38119
Shanell.tyler@ag.tn.gov

Attorneys for Intervenor State of Tennessee

/s J. Gregory Grisham
J. Gregory Grisham